

ESTTA Tracking number: **ESTTA411694**

Filing date: **05/27/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Zuffa, LLC		
Entity	limited liability company	Citizenship	Nevada
Address	2960 W. Sahara Avenue Las Vegas, NV 89102 UNITED STATES		

Attorney information	Jennifer Ko Craft and Michael N. Feder Gordon & Silver, Ltd. 3960 Howard Hughes Parkway, 9th Floor Las Vegas, NV 89169 UNITED STATES TRADEMARKS@GORDONSILVER.COM Phone:(702) 796-5555
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### Applicant Information

Application No	85162697	Publication date	05/10/2011
Opposition Filing Date	05/27/2011	Opposition Period Ends	06/09/2011
Applicant	Submission Impossible, LLC 1927 Grange Avenue Racine, WI 53403 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 2006/05/24 First Use In Commerce: 2006/12/31  
All goods and services in the class are opposed, namely: Apparel, namely, shirts, hooded tops, shorts, trousers and wristbands

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2778269	Application Date	03/09/2001
Registration Date	10/28/2003	Foreign Priority Date	NONE
Word Mark	SUBMISSION		

Design Mark	<b>SUBMISSION</b>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2001/06/00 First Use In Commerce: 2001/06/00 tee-shirts, shirts and nylon shells

U.S. Registration No.	3162969	Application Date	06/18/2001
Registration Date	10/24/2006	Foreign Priority Date	NONE
Word Mark	SUBMISSION		
Design Mark	<b>SUBMISSION</b>		
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2006/07/20 First Use In Commerce: 2006/07/20 Athletic bags; duffel bags; gym bags Class 025. First use: First Use: 2006/07/20 First Use In Commerce: 2006/07/20 Clothing, namely sports shirts; underwear		

Related Proceedings	Opposition to application no. 85162611 filed concurrently herewith.
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Attachments	76222774#TMSN.gif ( 1 page )( bytes ) 76273528#TMSN.gif ( 1 page )( bytes ) Opposition to SUBMISSION IMPOSSIBLE (Stylized) 85162697.pdf ( 4 pages )(21634 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jennifer Ko Craft/
Name	Jennifer Ko Craft
Date	05/27/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Zuffa, LLC, a Nevada limited liability company,

Opposer,

v.

Submission Impossible, LLC,  
a Wisconsin limited liability corporation,

Applicant.


Mark                      SUBMISSION IMPOSSIBLE  
                                 (stylized)

Serial No.              85/162697

Published              May 10, 2011

**NOTICE OF OPPOSITION**

Pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.101, Opposer Zuffa, LLC ("Zuffa"), a Nevada limited liability company with its principal place of business at 2960 W. Sahara Avenue, Las Vegas, Nevada 89102, hereby opposes Applicant Submission Impossible's application to

register the mark  in International Class 25 (Serial No. 85/162697), filed October 27, 2010 and published on May 10, 2011.

As grounds for its opposition, Zuffa alleges as follows:

1. Zuffa owns the SUBMISSION mark and is one of the world's leading promoters of mixed martial arts ("MMA") competitions and events.
2. Zuffa offers a variety of goods under the SUBMISSION mark, including athletic bags, duffel bags, gym bags and clothing items, such as tee shirts, shirts, nylon shells, sport shirts and underwear.

3. Zuffa owns at least two federal trademark registrations for the SUBMISSION mark in International Classes 18 and 25, including the following (collectively, the "SUBMISSION Marks"):


(a) SUBMISSION for tee-shirts, shirts and nylon shells in class 25 (U.S. Reg. No. 2778269);



(b) **SUBMISSION** for athletic bags, duffel bags, and gym bags in class 18; and clothing, namely sports shirts and underwear in class 25. (U.S. Reg. No. 3162969);

4. Zuffa's above-referenced federal trademark registration for SUBMISSION corresponding to U.S. Reg. No. 2778269 is incontestable.

5. Zuffa has made substantial and continuous use of the SUBMISSION Marks for several years and has expended considerable resources in the protection, enforcement, advertising and marketing of such marks.


6. By virtue of this continuous and extensive use of the SUBMISSION marks, such marks have become invested with substantial goodwill and worldwide recognition and fame.


7. Applicant Submission Impossible, LLC is seeking registration of the  mark in International Class 25 for "[a]pparel, namely, shirts, hooded tops, shorts, trousers and wristbands."

8. Applicant's registration of the  mark is likely to cause confusion, to cause mistake or to deceive consumers. Applicant's  mark is confusingly similar to Zuffa's

SUBMISSION marks. Applicant's applied for goods and services are the same as, or similar to, the goods and services offered by Zuffa under the SUBMISSION Marks.

9. Applicant's registration of the  mark is likely to dilute the distinctiveness of Zuffa's SUBMISSION Mark.

10. Zuffa will suffer damage including irreparable injury to its reputation and goodwill if Applicant is permitted to register the  mark.

WHEREFORE, Zuffa prays that the opposition be sustained and that the Board refuse Applicant's application to register the  mark.

Dated: May 27, 2011

Respectfully submitted,

GORDON SILVER

/Jennifer K. Craft/

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**CERTIFICATE OF SERVICE**

I hereby certify that, on this 27<sup>th</sup> day of May, 2011, a true and complete copy of the foregoing Notice of Opposition has been served by United States mail, first class postage prepaid, on the following counsel of record for Applicant:

Peter N. Jansson  
Jansson Shupe & Munger Ltd.  
245 Main Street  
Racine, WI 53403

/Katie Sitto/  
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An employee of Gordon Silver